

## ORDINANCE NO. 45-991

AN ORDINANCE AMENDING SECTION 5.88.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO UNLAWFUL DISCHARGE OF A FIREARM, AIR RIFLES, PELLET GUNS AND BB GUNS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 5.88.020 of the Code of the City of Wichita, Kansas shall read as follows:

(1) It is unlawful for any person to discharge or fire any gun, pistol, air rifle, pellet gun, BB gun or any other firearm within the corporate limits of the city except at any properly licensed shooting gallery or upon a pistol range or at a gun club, either of which shall be approved by the chief of police.

(2) This section shall not apply to law enforcement officers while actually engaged in the performance of such officer's duty.

(3) This section shall not apply to health officers while actually engaged in the performance of such officer's duty.

(4) This section shall not apply to historical reenactors and actors when engaged in performances and demonstrations when the powder charge does not exceed thirty grains for pistols, sixty-five grains for long guns and one-quarter pound for cannon, and the gun contains no projectile other than the minimum amount of wadding necessary to hold the powder charge in place. Provided, however, this subsection shall only apply to those performances and demonstrations which have been approved in advance in writing by the city manager or the city manager's designee.

(5) Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

(6) In addition to the penalty for the violation of this section, it shall be the duty of the municipal court judge to order any weapon seized in connection with such violation to be forfeited to the city and the same shall be disposed of by the chief of police pursuant to Section 5.88.010(7) of this chapter. Provided, however, that any BB gun forfeited to the Wichita police department may, with the general approval of the city manager, be donated to the Kansas Department of Wildlife and Parks for training purposes. (Ord. No. 42-636 § 2)

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this February 10, 2004.

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Carlos Mayans, Mayor

ATTEST:

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Karen Schofield, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law